

**GOVERNMENT
EXHIBIT 1**

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE GRAND JURY PROCEEDINGS

MISC 09

84

Misc. No. _____

GOVERNMENT'S NOTICE OF MOTION TO TAKE DEPOSITIONS
PURSUANT TO RULE 15 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

Comes now the United States of America, by and through its attorneys, Luis M. Matos, Acting United States Attorney, Lee H. Vilker and John P. McAdams, Assistant United States Attorneys, and hereby moves this Court under Rule 15 of the Federal Rules of Criminal Procedure to authorize the taking of depositions of the individuals listed below. The United States requests permission to take these depositions because of the exceptional circumstance that the individuals to be deposed are all terminally ill or very elderly and are therefore unlikely to be alive to testify at trial.

Overview of Grand Jury Investigation

The grand jury sitting in the District of Rhode Island is currently investigating the circumstances behind the issuance of a large number of corporate bonds and annuities by numerous corporate entities. The terms of these bonds and annuities provided for substantial benefits upon the death of the owner of the bond or the annuitant. Investigation has thus far determined that Joseph Caramadre, Esq. ("Caramadre") established a program to benefit terminally ill individuals living in Rhode Island, pursuant to which terminally ill individuals would be given a few thousand dollars. The names of many of these individuals (approximately 112) were subsequently used as "measuring lives" on bonds and annuities that were issued. That

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is, upon the death of these terminally ill individuals, the owner of the bond or annuity stands to make substantial sums from the bond issuers and insurance companies, collectively totaling many millions of dollars. While Caramadre was the individual who organized this program and who received a sizeable share of the many millions of dollars in profit upon the death of the terminally ill individuals, there are, at the moment, three additional targets of this grand jury investigation. First is Raymour Radhakistan, an individual who worked for Caramadre in recruiting terminally ill individuals in Rhode Island to participate in this program. [REDACTED]

Need for Depositions and Individuals to be Deposed

Criminal Procedure Rule 15(a)(1) provides that “[a] party may move that a prospective witness be deposed in order to preserve testimony for trial. The court may grant the motion because of exceptional circumstances and in the interest of justice.”

Exceptional circumstances warranting the taking of depositions are present in this case, as the individuals sought to be deposed are all terminally ill and/or unlikely to live long enough to be able to testify at trial. These are the individuals whose names were used in corporate bonds and annuities as the “measuring life” - meaning that upon their death substantial sums will be paid to the targets of this investigation and others. Of the approximate 112 terminally ill individuals who participated in this program, only 9 are believed to be still alive. There is no dispute between the parties that the testimony of these individuals is critical to the outcome of the investigation and any criminal case that may ensue. Many of these individuals have informed law enforcement that they believed the money they received was a gift and that they had no

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knowledge that their names were being used in the applications for bonds or annuities. The defense has asserted that these terminally ill individuals were all fully informed that their names would be used in these bonds or annuities and understood that those providing them with a few thousand dollars stood to make substantial sums upon their deaths. Clearly, the testimony of these nine individuals who are still alive is critical to this investigation. And, unfortunately, as described below, it is equally clear that these individuals are unlikely to be alive if and when a trial is commenced in this case. Their testimony therefore needs to be preserved.

Based on the foregoing, the United States requests that the Court approve the taking of depositions of the following individuals:

- [REDACTED] resident of Coventry, Rhode Island. [REDACTED] is 83 years old and is terminally ill with emphysema; he was previously under hospice care, but his insurance benefits expired and his hospice care was terminated.
- [REDACTED] resident of Warwick, Rhode Island. [REDACTED] is 33 years old. He is terminally ill with osteomyelitis, a disease of the bone that resulted from being shot during a car-jacking.
- [REDACTED] resident of Johnston, Rhode Island. [REDACTED] is 73 years old. He is terminally ill with lung cancer.
- [REDACTED] resident of Westerly, Rhode Island. [REDACTED] is 80 years old. He is terminally ill with stage 4 lung cancer.
- [REDACTED] resident of Woonsocket, Rhode Island. [REDACTED] is 67 years old. He is terminally ill with emphysema.
- [REDACTED] resident of Cumberland, Rhode Island. [REDACTED] is 31 years old. He is terminally ill with stage 4 stomach cancer.
- [REDACTED] resident of Manville, Rhode Island. [REDACTED] is 86 years old.
- [REDACTED] resident of North Providence, Rhode Island. [REDACTED] is 81 years old. He is terminally ill with emphysema and lung cancer.

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• [REDACTED] resident of Las Vegas, Nevada, [REDACTED] is 62 years old. He is terminally ill with heart failure.

If the Court approves the taking of these depositions, the United States will provide counsel for all targets with notices of the depositions and an opportunity to attend them and examine the deponent.

Respectfully submitted,

UNITED STATES OF AMERICA

By its attorneys,

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CERTIFICATE OF SERVICE

I, hereby certify that on this 14th day of September 2009, I caused the within Government's Notice of Motion to be served by hand on:

Robert Flanders, Esq. (On behalf of Joseph Caramadre, Raymour Radhakistan and [REDACTED]

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